

SEALED

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of Oregon

FILED 16 SEP '19 10:16 USDC-ORP

United States of America

v.

Case No.

'19 -MJ-170

Erick Carlsen

*Defendant(s)***CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 2019 through present in the county of _____ in the_____ District of Oregon, the defendant(s) violated:*Code Section**Offense Description*

18 U.S.C. §§ 875(c)

Transmitting Threatening Communications

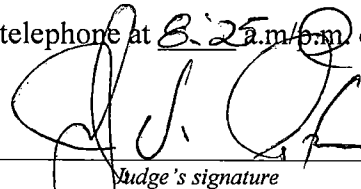
This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.


Complainant's signature

Ryan C. Hall, SA, FBI

*Printed name and title*Sworn in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone at 8:25 a.m. on9.13.19.


Judge's signature

City and state: Portland, Oregon

John V. Acosta, United States Magistrate Judge

Printed name and title

DISTRICT OF OREGON, ss: AFFIDAVIT OF RYAN C. HALL

Affidavit in Support of a Criminal Complaint and Arrest Warrant

I, Ryan C. Hall, being duly sworn, do hereby depose and state as follows:

Introduction and Agent Background

1. I am a Special Agent with the Federal Bureau of Investigation (FBI), and have been since May 2017. I am presently assigned to the Portland Division of the FBI, and specifically to the Salem Resident Agency. During my employment, I have investigated and have assisted others in investigating a range of federal crimes, including drug and gang-related offenses; felons in possession of a firearm; child pornography; online enticement of minors; and interstate travel for the purpose of engaging in illicit sexual activity with minors; I have conducted numerous threat assessments that have been reported to the FBI.

2. I submit this affidavit in support of a criminal complaint and arrest warrant for Erick Carlsen for transmitting threats to injure another person in interstate commerce in violation of 18 U.S.C. § 875(c). As set forth below, there is probable cause to believe, and I do believe, that Erick Carlsen violated 18 U.S.C. § 875(c).

Applicable Law

4. Title 18 U.S.C. § 875(c) provides that “[w]hoever transmits in interstate or foreign commerce any communication containing any threat to kidnap any person or any threat to injure the person of another, shall be fined under this title or imprisoned not more than five years, or both.”

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Statement of Probable Cause

Background

5. In a Marion County Sheriff's Office (MSCO) report written on April 19, 2019, Alisha Myers reported that on April 17, 2019, Erick Carlsen, during a counseling session, said that he had an issue with his medical benefits and that the Social Security office was to blame, stating that "There's going to be an epic event there." According to the report, Carlsen was not viewed as a danger to himself or others at that time, but there was a concern that Carlsen was not taking his medications as prescribed.

6. On July 24, 2019, Carlsen had engaged in threatening behavior at a hearing regarding his claim for social security benefits. According to a September 13, 2019, report provided by the Social Security Administration Office of Inspector General's Intelligence and Analysis Division hereinafter referred to as the IAD report, Carlsen entered a Social Security Administration Office of Hearings Operations site, hereinafter referred to as OHO, in Salem, Oregon, on July 24, 2019, for a hearing. The report described Carlsen's behavior at the hearing as follows:

On 7/24/2019, CARLSEN appeared at the Salem, OHO site for a hearing with ALJ Freund. Upon his arrival, he became involved in a dispute with his representative, who subsequently left the premises. CARLSEN remained at the location and began yelling and engaging in threatening behavior directed at ALJ Freund and the on-site guard. CARLSEN referred to ALJ Freund as "fucking bitch". He refused to leave the premises and expressed significant anger towards ALJ Freund and her decision to not proceed with a hearing. Guards escorted him to the lobby as he continued to yell and engage in threatening behavior. Salem PD responded to the incident, as CARLSEN refused to leave and would not calm down. After speaking with local PD, he left without further incident.

Witnesses describe him as very dangerous. IAD captured 17

videos of this incident, which CARLSEN posted via Facebook live, as he was being detained in the lobby waiting for Salem PD to arrive.

7. Carlsen recorded his actions on July 24, 2019, and posted them to Facebook.

Carlsen used what appeared to be threatening language against Social Security Administration employees and stated in the videos that, “it’s time to make fuckers pay”, as well as, “and they wonder why a second civil war is coming. Terrorists with badges. Corrupt fucking pieces of shit that don’t understand freedom of speech.” Carlsen further stated, “Look at this bitch cop staring at me”, in reference to the security guard in the OHO, and further explained, “these bitches can deal with me later.”

8. On September 11, 2019, at 9:12 am, Carlsen left Social Security Office of Inspector General Special Agent David Slafsky a voicemail in which he said, “I’m going to go to this hearing and people are going to fucking pay. Do you understand? You guys are going to fucking pay.” Carlsen was likely referring to an upcoming hearing that was recently set over.

9. On September 11, 2019, at 9:46 am, Carlsen posted the following message on Facebook:

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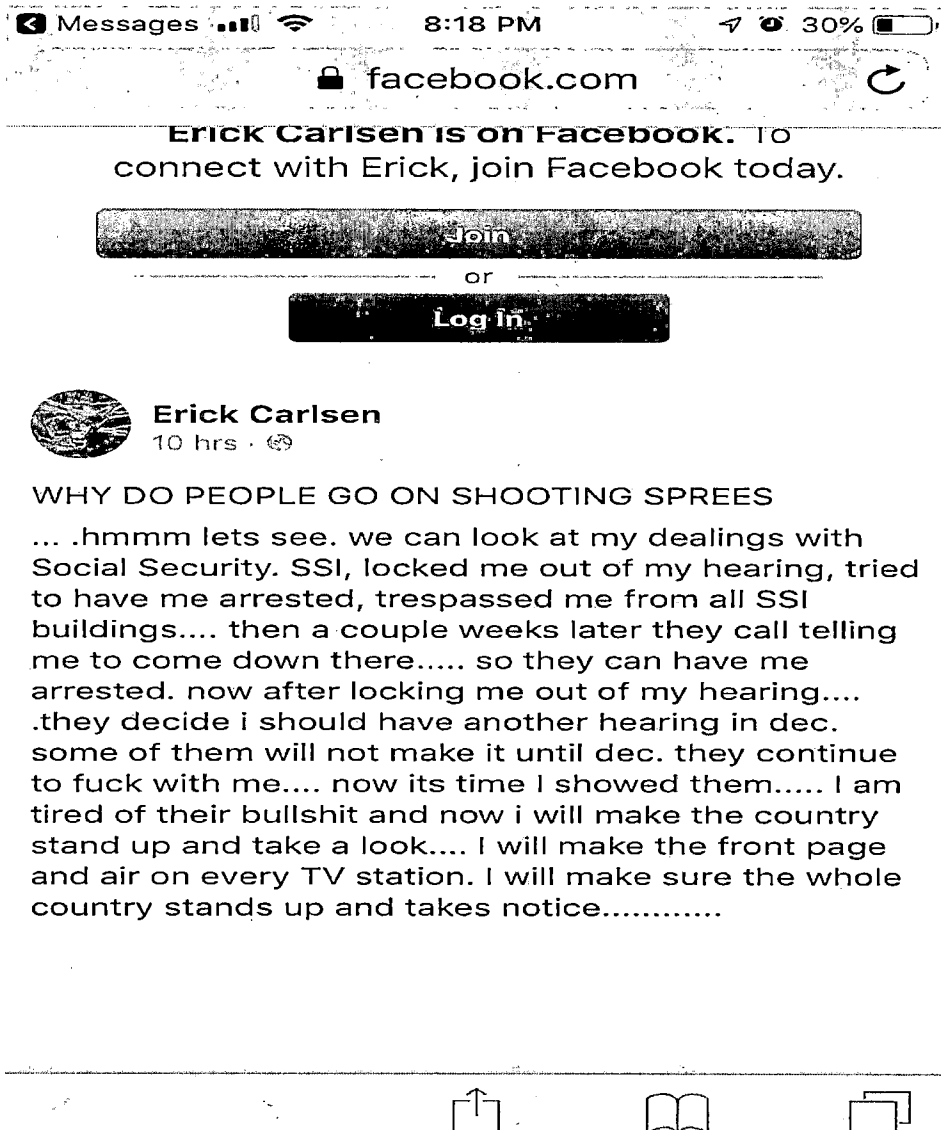
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10. On September 11, 2019, Special Agent Micah Coring, Federal Protective Service, Department of Homeland Security, was notified by the Denver Mega Center (DMC) of Carlsen's threat against Social Security Administration employees. SA Coring reviewed the event notes of the report, which identified MCSO Sergeant Fredrick Knutson as the reporting party. Sergeant Knutson advised his agency and the Federal Bureau of Investigation (FBI) had been notified by a

concerned citizen of a Facebook post on Erick Carlsen's page entitled, "WHY DO PEOPLE GO ON SHOOTING SPREES." SA Coring captured the Facebook post, which is noted above.

11. SA Coring attempted to contact the reporting party but was unable to do so. SA Coring arranged for Inspectors to be posted at the Salem Social Security Administration field office when it opened on the morning of September 12, 2019.

10. On September 12, 2019, SA Coring continued to investigate the complaint and spoke with Sergeant Knutson who said Carlsen is well known to MCSO and to the regional threat assessment team as a person who frequently makes threats. Sergeant Knutson informed SA Coring that MCSO previously removed firearms from Carlsen's home, but MCSO has since returned them to Carlsen's mother's house where they are locked up, with Carlsen's wife keeping the key. SA Coring asked if local law enforcement had contacted Carlsen regarding the Facebook post and was told they were referring the matter to the Federal Protective Service and would operate in a support role.

11. SA Coring spoke with SA Slafsky, who told SA Coring that Carlsen applied for Supplemental Security Income (SSI) for a traumatic brain injury (TBI) resulting from a motorcycle accident and was denied. Allegedly, Carlsen became angry during his appeal hearing, had a verbal altercation with his attorney, and called the Administrative Law Judge (ALJ) hearing his case, a "bitch." Carlsen's Attorney then departed the facility without Carlsen. As a result of this incident, the Social Security Administration mailed Carlsen a letter notifying him of their decision to ban him from all Social Security Administration offices, and the Social Security Administration scheduled a second appeal hearing for December 10, 2019.

12. On September 12, 2019, SA Coring coordinated with MCSO and Salem Police Department dispatch to interview Carlsen at his residence located at 6254 Sparky Lane NE, Salem, Oregon. At approximately 9:00 am, Federal Protective Service Inspector Katherine Maxey took up a stationary post at the Salem Social Security Administration Office while SA Coring, SA David Miller, and Inspector Jesus Dominguez attempted to contact Carlsen. SA Coring, SA Miller, and Inspector Dominguez approached the residence. A man matching the DMV and Facebook photos of Carlsen could be seen walking through the yard. SA Coring exited his vehicle and called out, "Mr. Carlsen, we need to speak with you." Carlsen began walking toward the open door of a nearby pick-up truck and was told by SA Miller to stay away from the vehicle and keep his hands in sight. CARLSEN complied and demanded to know what was going on. SA Coring and SA Miller identified themselves with agency-issued identification, and SA Coring asked Carlsen why he thought they wanted to talk with him. Carlsen said he didn't know, and he began to convey pre-assault indicators. Carlsen appeared to be clenching his jaw, dropping his chin, clenching his fists, squaring his stance, and rolling his shoulders in the appearance of preparing for a fight.

13. SA Coring told Carlsen they were contacting him due to a disturbing Facebook post on his account regarding active shooters. Carlsen replied that it doesn't say active shooter. SA Coring reviewed the text of the Facebook post and amended active shooter to shooting spree. Carlsen replied, "So?" SA Coring said SA Coring read the post to Carlsen to refresh Carlsen's memory. Carlsen interrupted SA Coring and said, "No." SA Coring continued that the post stated, "The country would stand up and take notice," and Carlsen would be on the news and asked what these statements implied. Carlsen said, "Nothing" and began telling of how the

Social Security Administration was screwing Carlsen over and how they tried to entrap him by banning him and then telling him to come into the office. Carlsen told of his motorcycle accident and his resulting mental health issues which cause anger. Carlsen said he is under the care of a mental health professional, takes all of his prescribed medications, and does not leave his property because he is never sure what he will do. Carlsen repeatedly stated he is not responsible for his actions because of his mental illness.

14. SA Coring asked if he had access to weapons or firearms. Carlsen said he doesn't because the county took his guns away. SA Coring asked if the county still has his guns and Carlsen said they don't, but that he doesn't know where they are. SA Coring asked Carlsen if he planned to hurt any of the people at the Social Security Administration. Carlsen said he wouldn't use a weapon, but he would do what he has to during his December 10 hearing to get noticed.

15. SA Coring asked if he was saying he would assault people at the hearing. Carlsen again said he would not bring weapons but could not promise he wouldn't hurt anyone because he isn't responsible for his actions. SA Coring proposed holding his hearing via phone, and Carlsen said it would not work because he does not have phone reception on his property. Throughout the entirety of this conversation, Carlsen spoke through clenched teeth, stared with little blinking, wore an angry expression, and held his posture in a manner conveying a readiness to fight.

16. At one-point Carlsen took out his cell phone, appeared to be recording and taking the officer's photos. While recording, Carlsen narrated what was happening and asked his wife to call a lawyer. The only time Carlsen broke this angry demeanor was after an estimated 30

minutes of interview when he asked in a pleading tone, “Can you please leave? This is very hard for me.” Carlsen was visibly shaking and said, “Can’t you see what this is doing to me?” SA Coring told Carlsen that every time he posts alarming or threatening material online or makes threats to Social Security Administration employees, law enforcement will be coming to his home to contact him. SA Coring concluded the interview and all units departed.

17. As noted above, on September 11, 2019, MCSO also received a complaint from a concerned citizen. Below is the information regarding the complaint:

09/11/2019 - 15:20:26 - Response Notes [.] C SAYS BROTHER POSTED ON FACEBOOK THAT “THERE ARE PEOPLE THAT WONT MAKE IT TO HIS HERING IN DEC”... H IS GOING TO BE “ON EVERY TV STATION IN THE US”

09/11/2019 - 15:20:58 - Response Notes [.] BROTHER/ CARLSEN, ERICK...40YO

09/11/2019 - 15:24:15 - Response Notes [.] BROTHER SAID “WHY DO PEOOPLE GO ON SHOOTING SPREES” TALKS ABOUT HOW UPSET HE IS ABOUT HIS HEARING FOR SSD...”THEY CONTINUE TO F*** WITH ME...IM TIRED OF THEIR BULLSH*T...I WILL MAKE SURE THE WHOLE COUNTRY STANDS UP AND TAKES NOTICE”

09/11/2019 - 15:31:59 - Response Notes [.] CONCEALED HANDGUN LIC REVOKED – ENDANGER SELF/OTHERS/COMMUNITY

09/11/2019 - 15:33:46 - Response Notes [.] C KNOWS THAT HER BROTHER USED TO HAVE GUNS BUT SHE BELIEVES THAT THE FAMILY HAS REMOVED THEM

09/11/2019 - 15:34:32 - Response Notes [.] BROTHER HAD BRAIN INJURY ...BELIEVES THIS BEHAVIOR IS DUE TO THAT HEAD INJURY

09/11/2019 - 15:35:39 - Response Notes [.] C WISHES TO STAY ANON

09/11/2019 - 15:36:21 - Response Notes [.] C BELIEVES HE COULD GET ACCESS TO GUNS THROUGH HIS FRIENDS

09/11/2019 - 15:37:28 - Response Notes [.] C SAYS THAT BROTHER DESPISES LAW ENFORCEMENT

09/11/2019 - 15:38:22 - Response Notes [.] HE HAS GOTTEN PHYSICAL WITH LAW ENFORCEMENT BEFORE AND HAS MADE IT CLEAR HE DOES NOT LIKE THEM

09/11/2019 - 15:41:49 - Response Notes [.] SIMS/ERICKA CARLSEN DOB/09251973, IS MAKING THREATS OF HARM TO NUMEROUS PRIVATE BUSINESSES AND GOVERNMENT AGENCIES WHILE POSTING PHOTOS OF HIS FIREARMS, HE SUFFERS FROM SEVERE PAIN, A HEART CONDITION AND TBI, IS A MEDICAL MARIJUANA USER AND IS ANGRY WITH LAW ENFORCEMENT. HIS WIFE, LYNDA CARLSEN IS CONCERNED HE MAY ATTEMPT TO HARM HIMSELF THROUGH SUICIDE BY COP. LYNDA HAS SECURED ALL FIREARMS AT ANOTHER LOCATION. USE CAUTION IF CALLED TO THE RESIDENCE.

18. On September 11, 2019, MCSO Deputy Peter Walker made the following report:

09/11/2019 - 17:28:51 - Response Notes [.] ***A137 Summary: I contacted Lynda by phone. She told me Erick is very upset because he has been excluded from the SSI building. Today he was told about a new court date. she confirmed there are weapons in the house but they are locked up and he can not get to them. She also told me Erick spends about 60% of his time at his mothers house. Lynda said we should not attempt cotnact with Erick as that would set him off even more. I also spoke to his mother Barbara. She confirmed what Lynda told me. Barbara said Erick would never hurt Lynda and she would be able to speak with him. A046 was also advised and would pass the info on to DOJ who would investigate further if needed.

19. On September 13, 2019, SA Slafsky spoke with Carlsen's sister about her brother's threats. She stated, "I really feel like he has the potential to follow through."

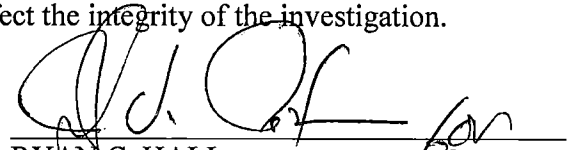
Conclusion

20. Based on the foregoing, I have probable cause to believe, and I do believe, that Erick Carlsen transmitted threats to injure another person in interstate commerce in violation of 18 U.S.C. § 875(c). I therefore request that the Court issue a criminal complaint and arrest warrant for Erick Carlsen.

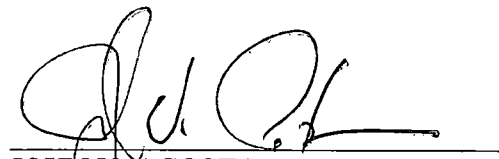
21. Prior to being submitted to the Court, this affidavit, the accompanying complaint and the arrest warrant were all reviewed by Special Assistant United States Attorney (SAUSA) Rachel K. Sowray, and SAUSA Rachel K. Sowray advised me that in her opinion the affidavit and complaint are legally and factually sufficient to establish probable cause to support the issuance of the requested criminal complaint and arrest warrant.

Request for Sealing

22. It is respectfully requested that the Court issue an order sealing, until further order of the Court, all papers submitted in support of the requested criminal complaint and arrest warrant. I believe that sealing these documents is necessary because the information to be seized is relevant to an ongoing investigation, and any disclosure of the information at this time may endanger the life or physical safety of an individual, cause flight from prosecution, cause destruction of or tampering with evidence, cause intimidation of potential witnesses, or otherwise seriously jeopardize an investigation. Premature disclosure of the affidavit, the criminal complaint, and the arrest warrant may adversely affect the integrity of the investigation.


 RYAN C. HALL
 Special Agent, FBI

Sworn in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone at 8:25
 a.m/p.m. on 9-13-19.


 JOHN V. ACOSTA
 United States Magistrate Judge